

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

BOBBIE RAY EDWARDS,

Plaintiff,

v.

ACTION NO. 2:22cv553

UNITED STATES DISTRICT
COURT OFFICERS, *et al.*,

Defendants.

ORDER

Plaintiff Bobbie Ray Edwards (“Mr. Edwards”) is a federal inmate who is incarcerated at USP Hazelton in Bruceton Mills, West Virginia. Compl., ECF No. 1 at 5. Mr. Edwards submitted this *pro se* action wherein he seeks access to “back up audio recording[s]” of certain proceedings in his prior criminal case in this Court. *See id.* at 1–4.

Recently, Mr. Edwards filed a “Motion Pursuant to F.R.C.P. 60(d)(3) ‘Fraud on the Court’” (“Rule 60(d)(3) Motion”), ECF No. 4. In his Rule 60(d)(3) Motion, Mr. Edwards requests, among other relief, that his criminal conviction be vacated or reversed and that a new trial be granted. *See* R. 60(d)(3) Mot. at 18. Accordingly, the Court determines that Mr. Edwards’s Motion is not properly filed in the instant civil action.

However, in deference to Mr. Edwards’s *pro se* status, the Clerk is **DIRECTED** to please open a new action, and to docket in that action (i) a copy of this Order; and

(ii) a copy of Mr. Edwards's Rule 60(d)(3) Motion (ECF No. 4).¹ Once the new action is opened, the Court will enter an order addressing the propriety of the Motion and the next steps, if any, to be taken in that action.

The Clerk is **DIRECTED** to please send a copy of this Order to Plaintiff Bobbie Ray Edwards.

IT IS SO ORDERED.

Norfolk, Virginia
December 7, 2023

/s/
Arenda L. Wright Allen
United States District Judge

¹ Because a new action will be opened to address Mr. Edwards's Rule 60(d)(3) Motion, the Clerk is **FURTHER DIRECTED** to terminate the Motion, ECF No. 4, in the instant action.